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OFFICE OF PETITIONS

In re Application of :
Glucksmann, et al. :
Application No. 09/383,745 : **ON PETITION**
Filed: August 26, 1999 :
Attorney Docket No. MPI98-075CP1M :

This is a decision on the petition under 37 CFR 1.137(a), filed February 8, 2005, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response in accordance with 37 CFR 1.196(b) to the Decision of the Board of Patent Appeals and Interferences, mailed July 29, 2004. This decision set a period for reply of two (2) months. Extensions of time under the provisions of 37 CFR 1.136(a) were not available. Accordingly, the above-identified application became abandoned on September 30, 2004. A Notice of Abandonment was mailed on December 30, 2004.

Petitioner contends that he did timely file a response in accordance with 37 CFR 1.196(b) to the Decision of the Board of Patent Appeals and Interferences. In support thereof, petitioner has included a copy of a postcard receipt, itemizing "Amendment and Response under 37 CFR 1.196(b) (8 pages)", and bearing a Board of Patent Appeals and Interferences date stamp of September 28, 2004.

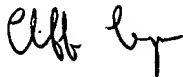
A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **the holding of abandonment is withdrawn.**

Given the basis for granting this decision, no petition fee was required, and none has been charged.

The application file is being forwarded to Group Art Unit 1647 for consideration of the amendment filed September 28, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions